



# Public Services Ombudsman (Wales) Act 2019

2019 anaw 3

## PART 5

### INVESTIGATION OF COMPLAINTS RELATING TO OTHER PERSONS: SOCIAL CARE AND PALLIATIVE CARE

#### *Investigation of complaints*

#### **44 Power to investigate on own initiative**

- (1) The Ombudsman may investigate a matter to which this Part applies whether a complaint has been duly made or referred to the Ombudsman or not.
- (2) But if the matter relates to an independent palliative care provider, the power in subsection (1) may only be used if the condition in section 43(2) is met.
- (3) Before the Ombudsman begins an investigation under this section, the Ombudsman must—
  - (a) have regard to the public interest in beginning an investigation,
  - (b) have a reasonable suspicion that there is systemic maladministration,
  - (c) consult such persons as the Ombudsman considers appropriate (but see section 66 for further duties around consultation), and
  - (d) have regard to the criteria for own initiative investigations published under section 45.
- (4) Subject to the other provisions of this section—
  - (a) it is for the Ombudsman to decide whether to begin, continue or discontinue an investigation under this section;
  - (b) the Ombudsman may take any action the Ombudsman thinks may assist in making a decision under subsection (4)(a).

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**Changes to legislation:** Public Services Ombudsman (Wales) Act 2019, Section 44 is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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#### Commencement Information

**II** [S. 44](#) in force at 23.7.2019 by [S.I. 2019/1096](#), [reg. 2](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [2023 asc 3 Sch. 2 para. 6](#)
- Act modified by [2023 asc 3 Sch. 12 para. 7\(2\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 65(7)(f) inserted by [2022 c. 30 Sch. 10 para. 6\(2\)\(a\)](#) (Welsh language text)
- s. 65(7)(f) inserted by [2022 c. 30 Sch. 10 para. 6\(2\)\(b\)](#) (English language text)